



REC'D JUL 08 2009 ABF

---

west virginia department of environmental protection

---

Division of Water & Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: (304) 926-0495  
Fax: (304) 926-0463

Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

July 2, 2009

Cathy Taylor  
Virginia Electric Power Co.  
Mt. Storm Plant  
5000 Dominion Blvd.  
Glen Allen, VA 23060

CERTIFIED RETURN RECEIPT REQUEST  
RE: Order Number 6291, Amendment No. 1

Dear Ms. Taylor:

Enclosed find Amendment No. 1 to Administrative Order No. 6291, which emanated pursuant to Chapter 22, Article 11 of the West Virginia Code. This ORDER grants approval to complete the discharge control system installation to November 1, 2010 from November 1, 2009 and revises Item 7 of the original Order to redefine the area defining the sustaining BIP.

You should carefully read the contents of the enclosed ORDER and communicate to each responsible official, agency and employee the actions which each must take to ensure compliance with its terms. Failure to comply with the terms of this ORDER constitutes an additional violation and may result in further enforcement action involving civil or criminal penalties.

Please note that, as indicated by its terms, the ORDER is effective upon receipt. If you have any questions concerning this ORDER or related matters, please contact Bill Sentman, at 304-926-0499 ext. 1084.

Sincerely,

Scott G. Mandirola  
Director

LAM/ws  
cc: Env. Insp. Supv., Env. Insp. (Grant County)

Promoting a healthy environment.

00026524



---

west virginia department of environmental protection

---

Division of Water & Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: (304) 926-0495  
Fax: (304) 926-0463

Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.wvdep.org](http://www.wvdep.org)

**ORDER  
ISSUED UNDER THE  
WATER POLLUTION CONTROL ACT  
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11**

TO: Virginia Electric & Power Co.  
Mount Storm Plant  
5000 Dominion Blvd.  
Glen Allen, VA 23060

DATE: July 2, 2009

ORDER NO.: 6291 – Amendment 1

**INTRODUCTION**

The following findings are made and Order issued to Virginia Electric Power Co. pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 11, Section 1 et seq. of the Code of West Virginia.

**FINDINGS OF FACT**

In support of this Order, the Director hereby finds the following:

1. Virginia Electric & Power Co. (VEPCO) owns and operates the Mt. Storm Power Plant located in Grant County. This facility is permitted (WV/NPDES Permit No. WV0005525 issued the 14<sup>th</sup> day of April 2008) to discharge treated process wastewater, cooling water, sewage, and storm water runoff via Outlet 001 (discharge from Mt. Storm Lake) into Stony River of the North Branch of the Potomac River.
2. Order No. 6291 was issued to Virginia Electric & Power Co. on the 14<sup>th</sup> day of April 2008 to address the thermal discharge from Mt. Storm Lake into the Stony River and included a Compliance Plan and Schedule.
3. The annual Mount Storm Lake Management meeting was held on April 22, 2009 with staffs from Dominion and West Virginia resource agencies (DEP and DNR).

Promoting a healthy environment.

00026525

4. At the annual meeting, DEP assessment personnel concurred that Item 7 of the Order of Compliance section which stated: “In order to qualify for a 316(a) variance, VEPCO shall have attained a sustaining BIP in the Stony River between the Mt. Storm Lake Dam and the confluence with Four-Mile Run” should have stated “the confluence with Laurel Run Mine Outfall 001.”
5. The Discharge Control System Installation was required to be completed by November 2009. VEPCO determined that the intake to the valve has been covered with extensive riprap and debris over time. VEPCO has indicated that removal of the debris will be a recurring problem as the State Route 93 drains to that spot.
6. A consultant hired by VEPCO has recommended that the by-pass valve be installed at an alternative location. This new valve will serve the same function as the old valve but will be safer and easier to access. Design and installation can not be completed before November 1, 2010 for the new location.

#### **ORDER FOR COMPLIANCE**

And now, this 2nd day of July, 2009, VEPCO is hereby ORDERED by the Director as follows:

1. Item 7 of the original order is revised to “In order to qualify for a 316(a) variance, VEPCO shall have attained a sustaining BIP in the Stony River between Mt. Storm Lake Dam and the confluence with Laurel Run Mine Outfall 001.”
2. The compliance date for completion of the discharge control system installation is revised to November 2010. (See revised Compliance Schedule in Attachment A.)
3. All other items of Order 6291 remain in effect and unchanged.

#### **OTHER PROVISIONS**

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving VEPCO of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject VEPCO to additional enforcement action in accordance with the applicable law.
2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
3. This Order is binding on VEPCO, its successors and assigns.

4. This Order shall terminate upon VEPCO's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

### **RIGHT OF APPEAL**

Notice is hereby given of your right to appeal the terms and conditions of this Order which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after receipt of this Order.

This Order shall become effective upon receipt.



---

Scott G. Mandirola, Acting Director  
Division of Water and Waste Management

*revised January 2007*

## ATTACHMENT A

### ORDER No. 6291

#### Compliance Schedule (revised 7/02/09)

1. Oct. 01, 2008 Submit Spillway Gate Design to DEP.  
*Design submitted 9/29/08*
2. Oct. 01, 2008 Submit Measurement Weir Design to DEP.  
*Design submitted 9/29/08*
3. Oct. 01, 2008 Submit Discharge Control System Design to DEP.  
*Design submitted 9/29/08*
4. Mar. 01, 2009 Submit Annual Progress Report for 2008 Activities to DEP.  
*Report submitted 2/26/09*
5. Apr. 01, 2009 Submit Cooling System Design to DEP.  
*Design submitted 3/24/09*
6. Nov. 01, 2009 Complete Measurement Weir Installation.
7. Mar. 01, 2010 Submit Annual Progress Report for 2009 Activities to DEP.
8. **Nov. 01, 2010 Complete Discharge Control System Installation.**
9. Nov. 01, 2010 Complete Spillway Gate Modification.
10. Mar. 01, 2011 Submit Annual Progress Report for 2010 Activities to DEP.
11. Jul. 01, 2011 Complete Cooling System Installation and Commence Operation.
12. Jan 31, 2012 Submit Operation Plan for Minimizing Thermal Impacts.
13. Mar. 01, 2012 Submit Annual Progress Report for 2011 Activities to DEP.
14. Mar. 01, 2013 Submit Annual Progress Report for 2012 Activities to DEP.
15. Jul. 01, 2014 Comply with Final Temperature Limitations and/or Obtain an Approved 316(a) Variance.